

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ZAXCOM, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 23-1245-JFM
)
RODE MICROPHONES, LLC AND)
FREEDMAN ELECTRONICS PTY LTD.,)
)
Defendants.)

STIPULATION AND PROPOSED ORDER

WHEREAS, Plaintiff Zaxcom, Inc. (“Zaxcom”) filed a Motion for Default as to Freedman Electronics Pty Ltd. (D.I. 27) (“Motion for Default”) and a Motion for Alternative Service Pursuant to Rule 4(f)(2)(A), or in the Alternative, an Order Authorizing Service on Defendant Freedman Electronics Pty Ltd Purusant to Rule 4(f)(3) (D.I. 29) (“Motion for Alternative Service”) (collectively, “Zaxcom’s Motions”);

WHEREAS, this Court issued an oral order (D.I. 34) setting a date for an in-person oral argument and a case management conference on April 11, 2024, at 2:30 p.m.;

WHEREAS, Richard Beem, counsel for defendant RODE Microphones, LLC (“RODE”) is designated to represent RODE during oral argument on Zaxcom’s Motions and possesses schedule conflicts which will not permit him to be in-person in Pennsylvania on April 11, 2024;

WHEREAS, Zaxcom does not oppose RODE’s intent to request an alternate hearing date;

WHEREAS, Delaware counsel for Zaxcom and RODE placed a joint phone call to Ms. Kerri Christy, Deputy of the Court, on April 1, 2024. Delaware counsel for Zaxcom and RODE

were informed that alternate dates of the Court's potential availability include April 24, 2024, and April 25, 2024. Further, Delaware counsel for Zaxcom and RODE were advised to file a stipulation to identify an alternate hearing date for the Court's review;

WHEREAS, Zaxcom and RODE have identified April 25, 2024, as a mutually agreeable date;

WHEREAS, the deadline for RODE to submit answering briefs in opposition to Zaxcom's Motions is April 5, 2024 (D.I. 31);

WHEREAS, under Delaware Local Rule 7.1.2(b), the deadline for Zaxcom to submit reply briefs in support of Zaxcom's Motions was April 12, 2024;

WHEREAS, the Court's oral order (D.I. 34) set Zaxcom's deadline to submit reply briefs to April 10, 2024;

WHEREAS, Zaxcom respectfully requests that, if the Court grants the request to postpone the Oral Argument to April 25, 2024, the Court also extend the deadline for Zaxcom to submit reply briefs in support of Zaxcom's Motions from April 10, 2024, to the date set forth under Delaware Local Rule 7.1.2(b) (i.e., April 12, 2024);

The parties hereby stipulate and agree, subject to the approval of the Court, that:

1. The oral argument and a case management conference (D.I. 34) shall be held on April 25, 2024, at _____ in Courtroom 3B, Third Floor, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
2. The time for Zaxcom to submit reply briefs in support of its Motion for Default (D.I. 27) and Motion for Alternative Service (D.I. 29) is extended from April 10, 2024, to April 12, 2024.

/s/ Sean T. O'Kelly
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Dated: April 2, 2024

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SO ORDERED this _____ day of _____, 2024.

United States District Judge